

POOR LAW (ELLEN KANE).

RETURN to an Order of the Honourable The House of Commons,
dated 9 February 1863,—for,

COPIES of "CORRESPONDENCE between the Board of Guardians of Killarney Union, the Irish Poor Law Commissioners, and the Chief Secretary to the Lord Lieutenant of *Ireland*, relating to the REMOVAL of *Ellen Kane* and her Child from the Parish of *St. Giles, Camberwell*, to *Killarney*, under Warrant dated the 11th day of November 1862:"

"Of the WARRANT:"

"And, of CORRESPONDENCE between the Chief Secretary to the Lord Lieutenant of *Ireland*, the English Poor Law Board, and the Board of Guardians of *St. Giles's Parish, Camberwell*, relative to the same subject."

(True Copies.)

Dublin Castle, }
19 February 1863. }

THOS. A. LARCOM.

(*Mr. Herbert.*)

Ordered, by The House of Commons, to be Printed,
23 February 1863.

SCHEDULE.

	Page
12 December 1862.—Letter from the Poor Law Commissioners to the Chief Secretary for Ireland, relative to the removal of Ellen Kane and her child from the Parish of St. Giles, Camberwell, to Kilbarney - - - - -	3
15 December 1862.—The Under Secretary for Ireland to the Under Secretary, Home Department . - - - - -	6
7 February 1863.—The Under Secretary, Home Department, to the Chief Secretary for Ireland, enclosing Communication from the English Poor Law Board - - - - -	6

COPIES of CORRESPONDENCE between the Board of Guardians of Killarney Union, the Irish Poor Law Commissioners, and the Chief Secretary to the Lord Lieutenant of *Ireland*, relating to the REMOVAL of *Ellen Kane* and her Child from the parish of *St. Giles, Camberwell*, to *Killarney*, under Warrant dated 11th day of November 1862; Of the Warrant; And, of CORRESPONDENCE between the Chief Secretary to the Lord Lieutenant of *Ireland*, the English Poor Law Board, and the Board of Guardians of *St. Giles's Parish, Camberwell*, relative to the same subject.

The Poor Law Commissioners to the Chief Secretary for Ireland.

KILLARNEY UNION.

Poor Law Commission Office, Dublin,
12 December 1862.

Sir,

THE Commissioners for administering the Laws for Relief of the Poor in Ireland, transmit herewith for the information of his Excellency the Lord Lieutenant, a copy of a communication which they have received from the Board of Guardians of Killarney Union, relative to the removal of a poor woman named *Ellen Kane*, with her child, from the parish of *St. Giles, Camberwell*. A copy of the removal warrant, with the examination of the pauper, is also enclosed.

The warrant appears to be informal on the face of it, inasmuch as it does not, as required by the 4th section of the Act, order the removal of the poor person to the place mentioned therein; nor does it order the person charged with its execution to cause her to be safely conveyed to such place, or to be delivered at the workhouse of any union. It appears from the woman's statement, moreover, that she was not legally removable, and although by her examination, annexed to the warrant, it appears that she had no settlement in England, her right of irremovability is not negatived. It further appears that several irregularities took place in the conduct of the removal. No copy of the warrant was forwarded to the Board of Guardians as required by the third section; the woman and her child were sent as deck passengers, contrary to the sixth section; they were not delivered at the port union, and they were not removed in charge of any officer.

The Commissioners have thought it right to bring the various irregularities which appear to have occurred in this case under the notice of his Excellency, with a view to a communication being made to the Poor Law Board in order that if it should be found on inquiry that any paid officer has failed in his duty in regard to the case, he may be made amenable to punishment under the authority of that Board.

By Order of the Commissioners,
(signed) *R. Banks*,
Chief Clerk.

To the Right Hon.
Sir R. Peel, Bart., M. P.,
The Castle.

(No. 25,714/62.—Killarney Union.)

EXTRACT FROM MINUTES.—Guardians' Meeting 25th November 1862.

Resolved.—THAT the clerk of the Union be directed to call the attention of the Poor Law Commissioners, in accordance with the directions contained in their circular, dated 1st November 1861, to the circumstances connected with the removal of a pauper named Ellen Kane, from the parish of Camberwell in England, which, *prima facie*, appear to have been illegal, and that the clerk prepare a statement of the case for the information of the Commissioners.

Gentlemen,

Clerk's Office, 28 November 1862.

IN pursuance of the foregoing resolution, I beg to transmit for your information a statement regarding the removal to Ireland of the persons therein named, together with the copy of the Removing Warrant, which she handed to the Workhouse Master of the Union when she applied for relief, and replies to the inquiries adverted to in your letter, No. 25,017, dated 24th instant, and I am directed to request you will have the goodness to cause inquiry to be made on the subject, with a view to ascertaining whether the law has been duly complied with in this case, as the guardians conceive from the evidence of the woman, that the removing authorities in England have acted in direct violation of the provisions of the "Act 24 & 25 Vict. c. 75, to amend the Law relating to the removal of Poor Persons to Ireland:"

1st. By causing her to be removed, she having obtained a settlement in England by her length of residence in Camberwell, viz., nine years.

2dly. By not having transmitted a copy of the Removing Warrant by post to the clerk of the Board of Guardians of the Union to which her removal had been ordered, as required by the 3d section of the Act 24 & 25 Vict. c. 76.

3dly. By having sent her with her child as a deck passenger, contrary to the 6th section of the same Act.

It would also appear that the 4th section of the Act has not been complied with, as the pauper instead of being delivered at the workhouse of the Cork Union, was forwarded by train to Killarney, the place of her ultimate destination, unaccompanied by the removing officer in Cork, or by any other authorised person.

I have, &c.
(signed) Daniel Moylan,
Clerk of the Union.

The Poor Law Commissioners,
Dublin.

ELLEN KANE states as follows:—That she lived for nine years in one place in the Parish of Camberwell in England, and that having become destitute a short time ago, she applied for relief for herself and child to Mr. Clifford, the relieving officer of that parish, who gave her an order of admission to the workhouse.

That having remained in the workhouse for a few days she applied to the matron to be discharged, and was informed by that officer that she could not leave till ordered to Ireland.

That she was compelled to remain in the workhouse until called for by the removing officer, by whom she was conveyed to Mr. Frost's Depot, and was there detained for two days and two nights, awaiting the sailing of a vessel to Ireland, and that on Thursday the 13th November she was placed on board a steamer against her wishes, receiving from Mr. Frost a supply of bread, meat, cheese, sugar, and coffee, for the voyage.

That she was, with her child, sent over as a deck passenger, exposed to the inclemency of the weather during a passage of four days, and that upon her arrival in Cork, about 12 o'clock on the night of Sunday the 16th instant, she was met by a person who procured her a lodging, but from whom she received no sustenance that night, or on the following morning—the allowance which she received from Frost on her embarking having been exhausted immediately before landing in Cork.

That she was visited on Monday morning, about seven o'clock, by the person who had provided lodgings for her the previous night, and conveyed by him to the railway station where he made arrangements for her transit to Killarney, and that she and her child were without food from the time of debarkation till her arrival in Killarney, about two o'clock that day, when she applied to the master of the workhouse for admission, on which occasion she handed him the warrant of removal, which she obtained from Frost on her leaving London.

Signed the 29th November 1862.

Present: Daniel Moylan,
Clerk of Killarney Union.

her
Ellen + Kane.
mark.

COPY OF WARRANT.

SURREY.

8 & 9 Victoria, c. 117, Schedule C.

FORM OF WARRANT of Removal of Persons born in Scotland or Ireland, or in the Isles of Man or Scilly, or Jersey or Guernsey.

To *James Sedgley*, of the Parish of St. Giles, Camberwell, in the County of Surrey,
and to the Guardians of the Kilbarney Union.

Surrey, to Wit.

WHEREAS complaint hath been made by the Board of Guardians of the parish of St. Giles, Camberwell, in the said county of Surrey, unto me whose name is hereunto set, and seal affixed, being one of the magistrates of the police courts of the metropolis, sitting at Lambeth police court, within the metropolitan district, that *Ellen Kane*, aged 20 years, a person born in Ireland, hath become, and is now actually chargeable to the said parish. And whereas upon examination of the said *Ellen Kane*, taken upon oath before me (which examination is hereto annexed), it doth appear to my satisfaction that she was born in the parish of Killorglin, in Ireland, and hath not gained a settlement in England, and that she hath one child, *John Kane*, aged 18 months; and, having examined the said *Ellen Kane* and her child as to the state of their health, as not to be liable to suffer bodily or mental injury by removal to Ireland under this warrant. These are therefore to require you, the said *James Sedgley*, of St. Giles, Camberwell aforesaid, in the county of Surrey aforesaid, to convey the said *Ellen Kane* and family aforesaid, to _____ in the manner directed by the regulations of the justices of the said county, and approved by *J. R. G. Graham*, one of Her Majesty's Principal Secretaries of State, in pursuance of the provisions of a certain Act made and passed in the eighth and ninth years of the reign of Queen Victoria, intitled, "An Act to amend the Laws relating to the removal of Poor Persons born in Scotland and Ireland; the Islands of Man, Scilly, Jersey, or Guernsey, and chargeable in England."

Given under my hand and seal this 11th day of November 1862.

(signed) *G. F. Elliott, J. P.*

HEADS OF INQUIRY.

- | | |
|--|---|
| 1. DATE of WARRANT of removal? | No copy received by clerk of union; copy handed by pauper to master of the workhouse, dated 11 November 1862. |
| 2. Date of embarkation? | Thursday, 13 November 1862. |
| 3. Name of port at which the embarkation took place? | London. |
| 4. How sent; as a deck passenger, or otherwise? | Deck passenger. |
| 5. When, and by whom delivered at the workhouse? | Accompanied by no one to workhouse. |
| 6. How long is it since the pauper left Ireland? | Nine years. |
| 7. Where was the pauper born in Ireland? | Laharren, in the parish of Killorglin. |
| 8. What was the pauper's last place of residence in Ireland? | Same place. |
| 9. How long had the pauper resided in such place before leaving Ireland? | From date of birth. |
| 10. Where was the pauper residing in England when she became chargeable? | Parish of Camberwell. |
| 11. How long has she resided there? | Nine years. |

29 November 1862.

(signed) *Daniel Moschen,*
Clerk of Union.

FORM OF EXAMINATION.

Surrey, to Wit.

THE voluntary examination of Ellen Kane, aged 20 years, of the workhouse in the parish of St. Giles, Camberwell, in the county of Surrey, taken on oath before me (being one of the magistrates of the police courts of the metropolis, sitting at the Lambeth police court within the metropolitan district) this 11th day of November, in the year of our Lord 1862, who on oath saith, according to the best of her knowledge and belief, she was born in the parish of Killbeglin, in that part of the United Kingdom called Ireland, which she left about nine years ago, and hath no settlement in that part of the United Kingdom called England, and hath actually become, and is now chargeable to the said parish of St. Giles, Camberwell, in the said county of Surrey; and that she hath one child, which child hath gained no settlement in England; and that her state of health, and that of her child, is such that they will not be liable to suffer bodily or mental injury by removal to Ireland.

her
Ellen x Kane,
mark.

Sworn the day and year first above written, before me, at Lambeth Police Court.

The Under Secretary for Ireland to the Under Secretary Home Department.

Sir,

Dublin Castle, 15 December 1862.

I AM directed by the Lord Lieutenant to transmit herewith for the information of Secretary Sir George Grey, copy of a letter and its enclosures, which have been received from the Commissioners for Administering the Laws for the Relief of the Poor in Ireland, relative to the removal of a woman named Ellen Kane and her child from the parish of St. Giles, Camberwell.

I am, &c.

(signed) Thomas A. Larcom.

H. Waddington, Esq.,
&c. &c. &c.

The Under Secretary Home Department to the Chief Secretary for Ireland.

Sir,

Whitehall, 7 February 1863.

WITH reference to Sir Thomas Larcom's letter of the 15th December last, respecting the removal of a woman named Ellen Kane and her child from the parish of St. Giles, Camberwell, to Ireland, I am directed by Secretary Sir George Grey to transmit to you herewith for the information of his Excellency the Lord Lieutenant, copies of a letter and of its enclosure, which the Poor Law Board have received from the guardians of that parish, in explanation of the proceedings.

I am, &c.

(signed) H. Waddington.

The Right Hon. Sir Robert Peel, Bart., M. P.,
Irish Office.

Sir,

Poor Law Board, Whitehall, S.W.,
7 February 1863.

I AM directed by the Poor Law Board with reference to your letter of the 20th December last, and its enclosures, relating to the case of Ellen Kane and her child, who were removed to Ireland, from the parish of St. Giles, Camberwell, to forward for the information of Secretary Sir George Grey the enclosed copy of a letter and of its enclosures, which the Board have received from the guardians of the parish of St. Giles, Camberwell, in explanation of the proceedings in the case.

H. Waddington, Esq.,
Home Office.

(signed) W. G. Lumley,
Assistant Secretary.

Vestry Hall, Camberwell Surrey,
28 January 1863.

My Lords and Gentlemen,

THE Board have caused the necessary inquiries to be made into the circumstances of the case of Ellen Kane removed from this parish to Killorglin, in Ireland, in reference to which certain complaints of irregularity and improper conduct on the part of the officers of this parish had been laid before the Poor Law Commissioners for Ireland, and by them transmitted through the Lord Lieutenant to the Secretary of State, and ultimately reaching your Honourable Board, by whom the documents were forwarded to the guardians of this parish, with your Board's communication of the 5th instant, No. 45,977—a.

I am now directed to reply to the several allegations contained in the letter of the clerk to the Killybegs Union to the Commissioners for Ireland, dated the 25th November 1862, and shall do so seriatim.

1st. It is utterly untrue that at the time of her removal the pauper was settled in England by a residence in Camberwell of nine years. The woman had acquired neither settlement nor irremovability in Camberwell at the time of removal, in proof of which I have only to lay before your Board the facts that within 18 months preceding her removal she was confined of a bastard child in the Lambeth Workhouse, of which Union she was then an inmate, and in which parish she then resided, and 12 months ago she was in service at Islington. These facts the guardians are prepared to prove by strictest evidence.

2d. The statute referred to in the second allegation does not clearly define any period within which the copy of the warrant is to be forwarded to the clerk to the guardians of the union to which the removal takes place, unless the latter part of the section in question is intended to define it. Acting upon this view of the law, the settlement officer did not transmit a copy of the warrant immediately, but he has since done so, and if the intention be that the copy shall be "forthwith" forwarded, he will for the future obey that instruction although the statute does not so provide.

3d. With reference to the method of conveying the pauper, the allegation that the woman with her child were sent as deck passengers is distinctly denied by the agent, Mr. Frost, who has for many years acted for this and most of the other Metropolitan Boards in the removal of their Scotch and Irish paupers. A copy of this letter is sent herewith.

Lastly. As to the allegation that the pauper was not delivered at the workhouse of the Cork Union, and was forwarded by train to Killybegs unaccompanied by the relieving officer, or by any other authorised person. It is true that the pauper was not delivered at the Cork Union House, and in this respect the provisions of the statute have not been literally complied with, but it will be seen from the relieving agent's letter that he believed he was bound by the terms of the magistrate's order, and, moreover, that he acted in compliance with the wishes of the pauper herself; and the Board submit, therefore, that if the letter of the Act has not in this case been strictly obeyed, the agent has acted in perfect good faith, and neither the pauper nor the parish of Killorglin have suffered any injury, or have any substantial ground of complaint. It is also true that no relieving officer accompanied the woman to Killybegs, but the Board learn from Mr. Frost that a responsible person was ordered by him to convey the pauper to her destination, and that he believed such instruction was carried out, and the Board submit that this was an authorised person within the meaning of the Act.

The guardians consider, therefore, that upon the whole case, although some technicalities of the recent statute have not been complied with, they and their officers are absolved from the real substantial complaints against them, since it is, as they submit, clear, that there was an undoubted right to remove, and that in the removal, where the formalities of the Act were not complied with, what was done by their agent was done with every consideration for the pauper and without the remotest possibility of prejudice or injury to the parish who now complains, and they trust that this will be deemed a sufficient explanation of the facts to remove the apparently serious imputations made against them.

I have, &c.
(signed) Alex. Led Breine,
Clerk to the Board.

The Poor Law Board.

P. CHAS. STOWES.

Sir,
I HAVE the honour to send you the following explanation relative to the case of Kane's removal to Killybegs Union. In the first place, Kane and her child were not sent as deck passengers: a covered room being provided by the Steam Boat Company for the use of all passengers sent by me during the period mentioned in the Act of Parliament.

With

With regard to the woman's complaint, that she was without provisions, I beg to say that the following allowances were given to her by me:—

10 lbs. of bread.	1 lb. of sugar.
1 lb. of meat.	4 oz. of coffee.
1½ lb. of cheese.	2 oz. of tea.

In addition to which I gave her 1 s. in money.

I have since written to my agent at Cork in reference to this case; and send you a copy of a letter I have received from him:

"Dear Sir,

3, Coburg-street, Cork, 12 January 1863.

"I remember the night that Kean and the others landed; it was after 12 o'clock at night. I was in bed when she came. I got up. I travelled great many streets to get lodgings. I got lodgings at Mrs. Foley's, at Patrick's Quay. The train starts at quarters before eight o'clock, A.M. I told them she could stop for the evening train, but she would not wait. Mrs. Foley told me that she had plenty of bread. I know no more of them."

As to the woman not being delivered at Cork Union Workhouse, I beg to refer you to the order of the magistrates, by which it is directed that the removal is to be to the Killybegs Union Workhouse. It was also the woman's own wish that she should be sent on there, and not be left at Cork.

I have, &c.
(signed) John Frost.

DISPUTE of Jurisdiction between the Lord of Guardians of Killybeg House, the Irish Peer-Law Commissioners, and the Chief Secretary to the Lord Lieutenant of Ireland relating to the Execution of Ellen Ross and her Child from the Parish of St. John, Donaghall, in Killybeg, under Writers dated 11 November 1831. See

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at Stationers' Hall.